IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

FIRST APPEAL NO. 873 OF 2006.

Salikram Dhobi and anr. ... Appellants.
Versus.
Brihan Mumbai Mahanagar Palika. ... Respondent.

Shri V.R.Tripathi for the Appellants.
Shri J.J.Xavier for the Respondent.

CORAM : ABHAY S.OKA, J.

DATED : 24th April, 2006.

P.C.:

1. Admit. The Respondent waives service. Taken up for hearing forthwith.

2. After arguing the appeal for sometime the learned Advocates appearing for the parties state that the Appeal may be disposed of without assigning any reasons in terms of the suggestions made by them. Hence the following order is passed:

i) The impugned Judgment and Decree passed by the trial Court in L.C.Suit No.2091 of 2004 is quashed and set aside and the suit is restored to file.

ii) The parties will appear before the trial Court on 12th June 2006. The Respondent will file written statement on or before 26th June 2006. The trial Court will not grant any further time

to file written statement.

iii) The Appellant will be entitled to lead further evidence in addition to the evidence which is already on record. The Respondent will also be at liberty to lead evidence provided written statement is filed on or before 26th June 2006.

iv) The trial Court will decide the suit afresh as expeditiously as possible and preferably by the end of March 2007.

v) Till final disposal of the suit, the interim order which was already operating in the suit will continue to operate.

vi) All contentions of the parties are kept open.

vii) The parties and the concerned Court to act on an authenticated copy of this order.

viii) The Civil Application stands disposed of.

Judge.